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w/

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

AUG 06 2001

BRIAN K. GARRIES, a/k/a,	:	MARY E. D'ANDREA, CLERK Per <u>gts</u> Deputy Clerk
Pharaoh O. Nkosi,	:	
Petitioner	:	
	:	
v.	:	Civil No. 1:CV-01-1119
	:	(Kane, J.)
DONALD ROMINE, Warden,	:	
Respondent	:	

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), respondent requests the Court to grant him a thirty (30) day enlargement of time in which to file his response to the Court's show cause Order.

Respondent states the following in support thereof:

1. Petitioner, Brian K. Garries, is an inmate incarcerated at the United States Penitentiary Lewisburg, Lewisburg, Pennsylvania.

2. Petitioner filed the instant petition pursuant to 28 U.S.C. §2241. The petition for writ of habeas corpus alleges ineffective assistance of counsel during proceedings with the Air Force Court of Military Review and the Court of Military Appeals.

3. By Order dated July 17, 2001, respondent was ordered to show cause within twenty (20) days of the date of this order why petitioner should not be granted habeas corpus relief.

4. In order to appropriately respond to petitioner's allegations, the United States Attorney's Office requires litigative assistance from agency counsel at the United States Air Force Legal Services Agency.

5. However, the undersigned has been informed that agency counsel at the United States Air Force Legal Services Agency requires additional time to prepare a response. In addition, archived documents related to petitioner's conviction had been stored at the United States Air Force Academy in Colorado Springs, Colorado. Agency counsel is uncertain if these documents have been retained and must determine whether the archived documents are required for a complete response.

6. Petitioner's allegations concern issues that are unique to the expertise of Air Force Legal Services. Without agency counsels' assistance in providing the facts of the case and supporting documentation, the undersigned counsel lacks the resources to review and analyze petitioner's claims and to prepare a full and proper response.

7. Thus, on behalf of the respondent, the United States Attorney's Office requests a thirty (30) day enlargement of time in which to respond to the show cause order.

WHEREFORE, the respondent requests a thirty (30) day enlargement of time until September 5, 2001, in which to respond to the allegations of the petition. Counsel certifies that he has not sought the concurrence of petitioner because the petitioner is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

Matthew Haggerty /D

MATTHEW E. HAGGERTY
Assistant U.S. Attorney
SHELLEY L. GRANT
Paralegal Specialist
217 Federal Building
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Dated: August 6, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN K. GARRIES, a/k/a,	:
Pharaoh O. Nkosi,	:
Petitioner	:
	:
v.	:
	Civil No. 1:CV-01-1119
	:
DONALD ROMINE, Warden,	:
Respondent	:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on August 6, 2001, she served a copy of

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Brian K. Garries
Reg. No. 11388-045
USP Lewisburg
P.O. 1000
Lewisburg, PA 17837

Shelley L. Grant
SHELLEY L. GRANT
Paralegal Specialist